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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/572,846	03/21/2006	Xuecheng Qian	CN030025	3715

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EXAMINER

PHILOGENE, HAISSA

ART UNIT	PAPER NUMBER
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2821

MAIL DATE	DELIVERY MODE
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09/22/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/572,846	Applicant(s) QIAN, XUECHENG	
	Examiner Haissa Philogene	Art Unit 2821	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 March 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/3/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

Figures 1 and 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claims 1, 3-9, 11, 12, 13 and 14-18 are objected to because of the following informalities: In claims 1, 3, 4, 8, 9, 15 and 16, line 1, respectively, delete "kind of". In claim 3, line 8, claim 9, line 12 and claim 15, line 9, respectively, change "the" before "sampling frequency" to --a--. In claim 5, line 3, claim 8, line 4 and claim 9, line 3, respectively, change "the" before " back light" to --a--. In claim 6, line 3, and claim 17, line 3, respectively, change "the" before "non-igniting state" to --a--. In claim 7, line 3 and claim 18, line 3, respectively, change "the" before "electric current" to --an--. In claim 8 lines 1-2 and claim 9, line 1, respectively, change "a " or "A" to --an--or --An--. In claim 11, line 2, change "the" before "different intensity" to --a--. In claims 3, 4, 13, 15 and 16, line 1, respectively, change "the" before "illuminating apparatus" to --an-- . In claim 14,

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line 2, change “sending” to –creating--. In claim 9, line 12, change “this” before “luminance” to –wherein said—and “the” before “sampling frequency” to –a--.

Appropriate correction is required.

Claims 2, 3, 6, 7, 9, 11, 12 and 17 are objected to because in claim 2, line 2, claim 3, line 8, claim 6, line 2, claim 7, line 2, claim 9, line 12, claim 11, line 2, claim 12, line 3, and claim 17, line 2, the element “can” is not a positive limitation but only requires the ability to so perform. It therefore does not constitute a limitation in any patentable sense.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The term “the circumstance” in claims 1, 3, 4, 8, 9, 13, 15 and 16 is used by the claim to mean “ambient light directed toward the front of a display screen”, while the

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accepted meaning is "condition" or "event" or "occurrence." The term is indefinite because the specification does not clearly redefine the term.

Claims 2, 5-7, 10-12, 14, 17 and 18 are rejected by virtue of their dependencies upon the independent claims.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 12 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The claim recites "a status identifying apparatus which can judge whether the state of the system itself needs the back light". The examiner's position is that the specification does not disclose "a status identifying apparatus" and there is nothing in the specification that would suggest how and why "judge whether the state of the system itself needs the backlight" is done. Such issue thus raises doubt as to enablement.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, 6, 7, 13, 14, and 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Applicant's admitted prior art, figures 1 and 2.

As per claims 4 and 16, Applicant's admitted prior art, figure 1, discloses a system and method for controlling an [the] illuminating apparatus (140) comprising a sensing apparatus (110), a luminance controlling apparatus (120), to thereby control the luminous intensity of said illumination apparatus via light source controlling apparatus (130), as recited.

As per claims 1, 2, 6, 7, 13, 14, 17 and 18, Applicant's admitted prior art, figure 1, discloses the claimed invention substantially as explained above. Further, Applicant's admitted prior art discloses the light source controlling apparatus (see 130 and also Fig.2) for controlling the luminous intensity of said illuminating apparatus consisting of luminaries (L1-LM) via the luminary controller (S1-SN & R11-RMN) through igniting the corresponding number of the luminaries (L1-LM) by turning ON the selection switches (S1-SN) according to the luminance controlling signal received by the selection switches (S1-SN) from the luminance controlling apparatus (120); wherein said luminance controlling apparatus (120) is capable of controlling whether a luminary should be ignited by providing a turning ON signal to the selection switches (S1-SN) based on its contribution to the general luminous intensity of said illuminating apparatus; wherein said luminance controlling signal from the luminance controlling apparatus (120) is capable of making the whole illuminating apparatus (L1-LM) under a non-ignited state

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by turning OFF the switches (S1-SN); and wherein said luminance controlling apparatus (120) is capable of controlling the luminous intensity of said illuminating apparatus by adjusting an electric current passing through the luminaries (L1-LM) via the light source controlling apparatus (130 or S1-SN & R11-RMN of Fig.2), thereby adjusting the luminance of the illuminating apparatus.

Claims 4, 5, 8, 10 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Helms, Patent No. 5,760,760, cited by Applicant.

As per claims 4 and 5, Helms discloses in Figs. 1 and 2 a system for controlling an [the] illuminating apparatus, i.e., a light source (not shown) positioned behind the LCD panel (12) and the keyboard (11a) comprising a sensing apparatus (14) for sensing the luminous intensity of a circumstance; a luminance controlling apparatus (204) for sending a luminance controlling signal (BC) correspondingly after the analog signal disposal (AL) of the luminous intensity of the circumstance received from the sensing apparatus (14), to thereby control the luminous intensity of said illumination apparatus through line (210); a displaying apparatus (12) which is provided with a backlight by said illuminating apparatus or light source and a data inputting apparatus or keyboard (11a) which is provided with backlight by said illuminating apparatus or light source.

As per claims 8, 10 and 11, Helms discloses in Figs. 1 and 2 an electronic system, comprising: an illuminating apparatus, i.e., a light source (not shown) positioned behind the LCD panel (12) capable of including at least two luminaries as backlight; a displaying apparatus (12) which is provided with the back light by said illuminating apparatus; and a controlling apparatus (10) for controlling said illuminating apparatus, comprising: a sensing apparatus (14) for sensing the luminous intensity of the circumstance; a luminance controlling apparatus (204) for sending a luminance controlling signal (BC) correspondingly after the disposal of the luminous intensity of the circumstance received from the sensing

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apparatus (14), and a light source controlling apparatus or backlight driver circuitry (213, not shown) via line 210 for controlling the luminous intensity of said illuminating apparatus through igniting the corresponding number of the luminaries (as they received power) according to the luminance controlling signal (BC) received from the luminance controlling apparatus (204); and a data inputting apparatus or keyboard (11a), which is provided with the backlight by said illuminating apparatus or light source; said illuminating apparatus or light source capable of having a different intensity for said displaying apparatus (12) and said data inputting apparatus (11a or 206) upon adjustment by the luminance controlling apparatus (204).

Allowable Subject Matter

Claims 3, 9 and 15 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Shimada, Pub. No. 2002/0109664; Lengyel et al., Patent No. 5,907,222.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haissa Philogene whose telephone number is (571) 272-1827. The examiner can normally be reached on 8:30 A.M.-6:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas W. Owens can be reached on (571)272-1662. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Haissa Philogene/
Primary Examiner, Art Unit 2821